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692 671 177 will be convened by the Daryáft-Kacheri. The Daryáft-Kacheri assisted by a Pancháyat shall make inquiry into causes beyond Rs. 3,000 and submit the proceedings to the Huzur and carry its orders into effect.

693 671 177 65. The Daryáft-Kacheri shall be assisted by two Mutsudies of the Deván-Kacheri in writing the proceedings of the inquiries they make. The Mutsudies are to keep registers of all suits decided by the Daryáft-Kacheri and preserve in regular order the records connected with that Kacheri, distinct from that of the Deváns. The Daryáft-Kacheri shall submit for the perusal of the Huzur these registers monthly.

66. The plaintiff and defendant in a cause shall be allowed to employ their relations or agents to plead before the Párapatiagárs, the Subadárs and the Daryáft-Kacheri, as also before the Pancháyats assembled by them, furnishing them with power for that purpose.

694 671 177 67. The plaints shall clearly state the name and residence of the complainant as well as of the person complained against, the grounds on which the complaint is founded, the amount of value of the property claimed and all such circumstances as may serve for the elucidation of the case.

68. The Párapatiagárs or Subadárs may send peons either with a verbal message or written summons (yáddst) to the defendant, directing him to appear in order to answer the complaints preferred against him.

69. The complainant shall be directed to accompany the peons entrusted with the summons, or otherwise to send relations or agents for the purpose, indicating the residence of the defendant and identifying his person.

● 695 671 177 70. After the defendant makes his appearance the complaint shall be read over to him and he shall be directed to give an answer to it on a day which shall be fixed, he being furnished with a copy of the complaint.

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71. On the delivery of the answer by the defendant who ought to state therein what he may have to say, a copy of it shall be sent to the plaintiff. The latter shall be required to give his reply within a prescribed time and after he delivers it, a copy of it shall be furnished to the defendant and he shall give a rejoinder. Afterwards the plaintiff and the defendant shall be directed to give in a list of the witnesses whom they wish to produce. The depositions of the witnesses shall be taken with all possible expedition and they shall be ordered to return to their homes or respective employments. The Párapatiagár or Subadár shall then decide the cause according to justice and the custom of the country. 695 671 177

72. In cases where the defendant may neglect to attend at the Kacheri on the day appointed, notwithstanding he is summoned, an enquiry shall be made whether the summons has been actually served or not. If it be proved that the summons has been served on the defendant and that he has wilfully neglected to give his attendance at the Kacheri, a notice shall be affixed at the door of his house intimating, that although he signed the summons, which had been served on him, yet he had neglected to give his appearance to answer the complaint which was preferred against him, that a time, however, of 10 days would still be allowed to him to appear before the district functionary or the Panchâyat to answer the complaint, and that, if he failed to do so, the functionary or the Panchâyat would proceed to decide the case ex parte. If he do not make his appearance to answer the complaint within the time fixed in the notice, the Panchâyat or the functionary shall examine the vouchers and decide the case ex parte. 694 671 177

73. Where Panchâyats are assembled for investigating any dispute, the parties shall be caused to give written agreements binding themselves to abide by the decision of the Panchâyat. After the award is passed, the parties shall be 695 671 177

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695 671 177 caused to interchange Farigh khati and a Rázináma shall be taken from them.

74. Whenever a case is investigated by a Panchâyat, and an award is passed, if one of the parties refused to abide by it, he shall be asked to explain the reason and if he has reason to suppose, that undue means have been used to bias the Panchâyat or that the decision was partial, he shall be required to produce evidence to that effect and give a written obligation, binding himself to pay such penalty as the Sirkar may be pleased to direct, in the event of his assertions proving false. If this circumstance happens at the Kacheri of a Párapatiagár, he shall forward the proceedings together with the witnesses to prove the corruption of the Panchâyat to the Subadár, and if it should happen at the Kacheri of the latter, the Subadár shall send them to the Daryáft-Kacheri.

75. But in cases where the party, refusing to abide by the decision of the Panchâyat fails to bring forward witnesses to prove his allegation, the award shall be carried into effect.

628 671 177 694 76. In cases where a suit is preferred against an individual who is not subject to the juriadiction of either the Párapatiagár or the Subadár of the nád or taluq, where the complainant is residing, the Párapatiagár or Subadár shall request by a letter the officer in authority at the place, where the defendant may be residing, to send him in order to answer the complaint, preferred against him. The same rule is applicable to cases where witnesses may be residing within another juriadiction.

648 671 177 694 77. In cases where either the defendant or witnesses may be residing in another country, the district-servants are to report the circumstance to the Huzur, which will take measures by writing to the European Officer in authority at that place, either to cause the personal attendance of such defendant or witnesses or to obtain their defence or evidence respectively in writing as may seem to him advisable.

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78. The Nád- and the Táluq-Panchâyats shall be composed of respectable inhabitants, or Chettics, or merchants. When the parties in suits are of different castes, the Párapatiagárs or Subadárs shall, if practicable, select an equal number of persons of the caste, to which each party may belong and also one or two of a caste different from that of either of the parties. The same rule shall be observed by the Daryáft-Kacheri.

79. Appeals against the decision of a Párapatiagár shall be made to the Subadár within 30 days from the date on which the award may be passed and given to the party; and those against the decision of the Subadárs shall be made to the Daryáft-Kacheri within 45 days. If after the expiration of this time the party appealing assign good and satisfactory reason for his delay, the appeal shall be admitted. Provided, however, that no appeal shall be admitted from any case decided by a Panchâyat, except on the ground of gross partiality or dishonesty on the part of the arbitrators.

80. The expense of summoning shall be paid in the first instance by the party by whom they are summoned; but the functionary or the Panchâyat shall determine, when the award is passed, by whom the expense shall be finally borne according to the merits of the case.

Criminal Justice.

81. The Gauda is authorised to reprimand or admonish an offender for stealing vegetables, or a few seers of grain, or the commission of similar trifling offences within the jurisdiction of his village. He shall seize and make over all other offenders to the Párapatiagárs.

82. The Párapatiagár shall confine for 10 days, or fine in a sum not exceeding five rupees, according to the circumstances of the case, any offender charged with disobedience

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89. The numbers of the Panchâyat shall in no case be less than five nor more than thirteen. The prisoner shall have the power of challenging any of the members as far as the number five, before the commencement of the enquiry, assigning reasons for the same, which shall be taken into consideration by the Daryâft-Kacheri. In the event of these reasons being deemed valid, the member who is challenged shall be removed and another substituted. The majority of the Panchâyat shall concur in the verdict, whether in civil or criminal cases, to render it valid. 692 671 177 [623]

90. Corporal punishment by the officers of Government is prohibited in every possible case throughout the whole of Coorg. [681]

91. There are three modes of passing sentence of imprisonment. One is to sentence an offender to be confined and to be put to perform hard labour on the roads. The second is to sentence the criminal to be imprisoned and be made to work in the prison; and the third is to pass sentence of imprisonment only, without labour. These three modes may be adopted by the Daryâft-Kacheri in passing sentence against offenders according to the degree of guilt proved against them. 695 671 177 697

92. The Pârapatiagâr of each Nâd shall send in monthly to the Subadâr of his taluq a register of offenders punished by him. 692 671 177

93. The Subadâr in like manner shall send a register to the Daryâft-Kacheri, which will submit to the Huzur an abstract of their registers, including the offenders punished by their own award.

94. All disputes relating to caste are to be settled by the heads of the respective castes according to the usage and custom of the country. [564]